

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

**SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA**

Draft FINDING OF NO SIGNIFICANT IMPACT

**COUNTY OF FRESNO SERVICE AREA BOUNDARY CHANGE TO INCLUDE TRACT #4870
WITHIN MILLERTON NEW TOWN**

**Central Valley Project
Sacramento, California**

FONSI-07-132

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FINDING OF NO SIGNIFICANT IMPACT

County of Fresno Service Area Boundary Change to Include Tract #4870 within Millerton New Town

In accordance with the National Environment Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation,) has determined that an environmental impact statement is not required for Reclamation approval of the County of Fresno (County) municipal and industrial (M&I) service area boundary change to include Tract 4870. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Final Environmental Assessment Number 07-132, *County of Fresno Service Area Boundary Change to Include Tract #4870 within Millerton New Town*, dated September 2008, and is hereby incorporated by reference.

Reclamation proposes to approve Tract 4870 into the County's contractual M&I service area boundary. This would allow Reclamation to deliver the County's CVP M&I water supply to Tract 4870. This land is currently in the County's service area boundary for agricultural use only.

The Tract 4870 development area is located on 83 acres entirely within the Millerton New Town (MNT) Specific Plan Area. Approximately 13.06 acres of Tract 4870 would be preserved as open space. Constructed elements on the remaining 69.94 acres of Tract 4870 include:

- residential lots and internal roadways,
- a storm water basin,
- propane storage areas,
- Marina Drive,
- Millerton Road expansion areas,
- two water tanks and service roads to the tanks,
- a sewer main from Tract 4870 to the existing sewer treatment plant,
- water mains to the water treatment plant and to Tract 4870, and
- haul roads associated with the grading for Tract 4870.

BACKGROUND

The development of MNT/County Service Area (CSA) #34 has been approved by the County. In order to fully develop the land as planned, a long-term water supply is needed. Currently, Reclamation's service area boundary for delivery of M&I CVP water only encompasses the adjacent subdivision of Brighton Crest. CSA #34 Tract 4870 needs a reliable long-term M&I water supply to allow development of the tract. The change in service area boundary would allow CVP water to be used as the Tract 4870 water supply and would provide the required reliability to meet the demands for planned development on Tract 4870.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

Findings

Water Resources

The water that could be applied to the included lands is already allocated. No additional water supplies would be diverted from rivers or lakes. No new construction or construction of new points

of diversions would be required; however, changes in timing and locations of when and where water is diverted could occur. There would be no significant impacts to water resources.

Drainage and Runoff

The quality of runoff to the San Joaquin River is not expected to differ substantially from existing quality in the river due to dilution. The seasonal stream (Little Dry Creek) crossing south of Millerton Road is subject to flooding during a 100-year storm event. The Specific Plan proposed channelization and parkway development along the streams to remediate for potential flooding. There will be no significant impact to drainage and runoff.

Land Use

The Proposed Action allows water deliveries to Tract 4870 to support the planned growth in MNT. CSA #34 already has a firm supply of 1,390 af/y from the County to support this growth. At the inception of the planning efforts it was believed that MNT was within Reclamation's M&I POU. Allowing the delivery of CVP water by expanding the County's service area boundary will allow water deliveries to Tract 4870 which is already slated for development. The amount of water is small and does not lead to additional homes or businesses beyond those addressed in the County General and Specific Plans.

Reclamation has no land use authority. As such, the federal action would not trigger any land use changes that have not already been analyzed in the incorporated by reference County General and Specific Plan EIRs.

Biological Resources

The inclusion of Tract 4870 in the County's service area would allow the development. Changes to habitat types that support biological resources have already occurred throughout most of the project area. Other changes would be temporary due to laying of pipe and utilization of access roads. The loss of habitat and impacts to biological resources are permanent.

The proposed change in the service area boundary would not result in additional impacts to biological resources, including federally listed threatened and endangered species and their designated habitats beyond those identified in previous incorporated by reference environmental documents and surveys.

The critical habitat consists of undeveloped lands within these areas. Reclamation has determined that no delivery of CVP water to these lands would be allowed unless and until the landowner can demonstrate compliance with the ESA, including consultation with the FWS, for the critical habitat.

Traffic

The Proposed Action would provide water for the full build-out of Tract 4870 and traffic volume on Millerton and Winchell Cove Roads would increase. The Proposed Action does not result in additional traffic beyond the volume analyzed in the referenced EIRs. MNT and the County are responsible for implementing the measures in the EIRs to accommodate the increase in traffic. The Proposed Action will not significantly impact traffic in the vicinity.

Air Quality

The Proposed Action would be the inclusion of Tract 4870 into the County's CVP service area

providing water to support the planned development that would increase emissions and impact air quality.. The San Joaquin Valley Air Pollution Control District (SJVAPCD) concurred with the analysis, methodology and conclusions contained in the Air Quality Impact Assessment submitted by Mr. Ewell, Jr., (property owner,) for the MNT Specific Plan. The numerous air quality mitigation measures incorporated into the Air Quality Impact Assessment are supported by the SJVAPCD. After mitigation, the impact of the Proposed Action will be less than significant.

Cultural Resources

The Proposed Action would allow the construction of new homes and businesses to proceed as planned. Determination as to the impacts of the inclusion on cultural resources will be complete prior to the finalization of this EA. Reclamation will consult with SHPO on this action to seek concurrence on Reclamation's findings as to the effect that the undertaking would have on historic properties.

Archeological sites have been recorded within the MNT boundaries. According to the MNT EIR and Archaeological Mitigation of Cultural Resources, most of the cultural resources known to occur in the project area would have a degree of protection due to their proximity to water courses. No archeological sites were found to be within the APE of the project. If any subsurface resources are discovered, Reclamation's archaeologists would be immediately notified for evaluation and compliance with 36 CFR Part 800. Because the Proposed Action would result in no adverse effect to historic properties, there would be no significant impacts to cultural resources as a result of the Proposed Action.

Indian Trust Assets

There are no tribes possessing legal property interests held in trust by the United States in the lands and resources in the vicinity of the actions proposed in this EA. There would be no impact to Indian Trust Assets.

Socioeconomic Resources

Under the Proposed Action, the application of M&I water would meet the County's General Plan and Specific Plan objectives of supporting economic development and job growth. The lands within MNT are currently grasslands that were historically grazed. Grazing ceased when the Titus lands were sold in the 1970s. No agricultural lands would be going out of production.

CSA #34 is mainly a public service district that provides M&I water, among other services to its customers. CSA #34 was formed to serve the MNT development. It is anticipated the MNT development would entice mainly retired persons. MNT would increase land values and provide additional money for MNT and the County through taxes. There would be a slight positive impact to socioeconomic resources due to the Proposed Action.

Environmental Justice

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. Employment opportunities for low-income wage earners and minority population groups would be within historical conditions. Disadvantaged populations would not be subject to disproportionate impacts. The Proposed Action does not increase or decrease housing opportunities for disadvantaged populations. There would be no impact to low income or disadvantaged populations.

Cumulative Effects

According to the County General Plan additional residential communities are planned in the vicinity. The County has also adopted the Friant Community Plan which contains land use proposals for this unincorporated community. According to the Friant Community Plan, the population in Friant is expected to grow and the “Sky Harbor” subdivision to be developed. Additionally, other housing developments are beginning to build in the vicinity as well as expansion of Table Mountain’s facilities. The Clovis and Fresno metropolitan area is likely to continue to grow. It is anticipated land use changes would occur in the vicinity and throughout the San Joaquin Valley and surrounding foothills as planned. The increase in population contributes to the traffic and degradation of air quality.

The Proposed Action does not trigger additional land conversions. The conversion of Tract 4870 to homes contributes to the cumulative changes in land use when added to other development projects in the MNT area, the County and in the San Joaquin Valley. Economic factors are driving farmers out of business and enticing them to sell their lands to developers. This trend is expected to continue since home prices in the San Joaquin Valley are typically lower compared to mountain and coastal communities. Reclamation does not have land use authority. Local Area Formation Council (LAFCO), cities and counties are responsible for planning for growth and land use changes. The County and LAFCO approved MNT on the basis that water supplies under the County’s CVP water service contract were adequate.

The reservoirs, rivers and creeks in the lower San Joaquin Valley associated with the Proposed Action are managed for flood control and agricultural supplies. Diversions of water occur based on the hydrological and environmental conditions. During wet seasons and high water flows, surplus water supplies are released and, if possible, marketed to quickly disperse this water to avoid flooding and damage downstream in the rivers. The Proposed Action would not interfere with deliveries, operations or cause significant adverse changes to the rivers, creeks or conveyance facilities.

The cumulative impacts to biological resources of these projects, when considered together, may result in the decline of habitat, and species. More than a thousand acres of rangeland and oak woodlands in the Millerton area alone could be converted. An even larger area in Merced County south and west of Millerton Lake has been included in the Rio Mesa Planning Area. Even if small patches of habitat used by special status species in this broad area were protected from development, habitat fragmentation would impact the viability of regional populations. The Millerton Open Space and Natural Resource Plan was developed to mitigate for these conditions.

Reclamation does not have land use authority. Due to the relationship of the delivered water stemming from the inclusion of new lands which can receive M&I CVP water, Reclamation is informally consulting with the FWS. The impacts to biological resources as a result of the development would be minimized through the collection of fees to purchase conservation easements or open space lands; implementation of mitigation and avoidance measures by the developer; conducting pre-construction surveys for nesting birds, protection of habitat via a Habitat Conservation Plan and avoidance of wetlands, stock ponds and vernal pools.